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**United States District Court
District of Massachusetts (Boston)
CIVIL DOCKET FOR CASE #: 1:09-cv-10883-NMG**

Reich v. U.S. Department of Energy et al
Assigned to: Judge Nathaniel M. Gorton
Case in other court: First Circuit, 11-01781
Cause: 05:552 Freedom of Information Act

Date Filed: 05/27/2009
Date Terminated: 08/22/2011
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

Eugenie Samuel Reich

represented by **David B. Smallman**
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V.

Defendant

U.S. Department of Energy

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Defendant

Oak Ridge National Laboratory

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Rayford A. Farquhar
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Defendant

UT-Battelle
TERMINATED: 11/24/2009

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Date Filed	#	Docket Text
05/27/2009		ELECTRONIC NOTICE of Case Assignment. Judge Nathaniel M. Gorton assigned to case. If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Sorokin (Paine, Matthew) (Entered: 05/27/2009)
05/27/2009	<u>1</u>	COMPLAINT against U.S. Department of Energy, Oak Ridge National Laboratory, UT-Battelle, filed by Eugenie Samuel Reich. (Attachments: # <u>1</u> Civil Cover Sheet and Category Form)(Paine, Matthew) (Additional attachment(s) added on 5/27/2009: # <u>2</u> Exhibit - 1, # <u>3</u> Exhibit - 2, # <u>4</u> Exhibit - 3, # <u>5</u> Exhibit - 4, # <u>6</u> Exhibit - 5, # <u>7</u> Exhibit - 6, # <u>8</u> Exhibit 7 - Part 1, # <u>9</u> Exhibit 7 - Part 2, # <u>10</u> Exhibit 7 - Part 3, # <u>11</u> Exhibit 7 - Part 4, # <u>12</u> Exhibit - 8, # <u>13</u> Exhibit - 9, # <u>14</u> Exhibit - 10, # <u>15</u> Exhibit - 11) (Paine, Matthew). (Entered: 05/27/2009)
05/27/2009		Summons Issued as to U.S. Department of Energy, Oak Ridge National Laboratory, UT-Battelle, U.S. Attorney and U.S. Attorney General. (Paine, Matthew) (Entered: 05/27/2009)
05/27/2009	<u>2</u>	General Order 09-1, dated January 6, 2009 regarding the E-Government Act and Personal Identifiers entered. (Paine, Matthew) (Entered: 05/27/2009)
05/28/2009		Filing fee/payment: \$ 350.00, receipt number BST010835 for <u>1</u> Complaint, (Russo, Patricia) (Entered: 05/28/2009)
06/08/2009	<u>3</u>	NOTICE of Appearance by Mark J. Grady on behalf of U.S. Department of Energy, Oak Ridge National Laboratory, UT-Battelle (Grady, Mark) (Entered: 06/08/2009)
06/08/2009	<u>4</u>	SUMMONS Returned Executed by Eugenie Samuel Reich. U.S. Department of Energy served on 5/30/2009, answer due 7/29/2009. (Duong, Diep) (Entered: 06/08/2009)
06/08/2009	<u>5</u>	SUMMONS Returned Executed by Eugenie Samuel Reich. Oak Ridge National Laboratory served on 5/30/2009, answer due 7/29/2009. (Duong, Diep) (Entered: 06/08/2009)
06/08/2009	<u>6</u>	SUMMONS Returned Executed UT-Battelle served on 6/2/2009, answer due 6/22/2009. (Duong, Diep) (Entered: 06/08/2009)

06/16/2009	<u>7</u>	NOTICE of Appearance by Julia C. Martinescu on behalf of UT-Battelle (Martinescu, Julia) (Entered: 06/16/2009)
06/16/2009	<u>8</u>	NOTICE of Appearance by Mark J. Grady on behalf of U.S. Department of Energy, Oak Ridge National Laboratory (Grady, Mark) (Entered: 06/16/2009)
06/16/2009	<u>9</u>	CORPORATE DISCLOSURE STATEMENT by UT-Battelle. (Martinescu, Julia) (Entered: 06/16/2009)
06/16/2009	<u>10</u>	MOTION for Extension of Time to 07/02/09 to Respond to Plaintiff's Complaint and Request for Expedited Consideration of Same by UT-Battelle. (Attachments: # <u>1</u> Text of Proposed Order)(Martinescu, Julia) (Entered: 06/16/2009)
06/16/2009	<u>11</u>	MEMORANDUM in Support re <u>10</u> MOTION for Extension of Time to 07/02/09 to Respond to Plaintiff's Complaint and Request for Expedited Consideration of Same filed by UT-Battelle. (Martinescu, Julia) (Entered: 06/16/2009)
06/22/2009		Judge Nathaniel M. Gorton: Electronic ORDER entered granting <u>10</u> Motion for Extension of Time to Answer. UT-Battelle answer due 7/2/2009. (Duong, Diep) (Entered: 06/22/2009)
06/25/2009	<u>12</u>	MOTION for Extension of Time to August 31, 2009 to File Answer re <u>1</u> Complaint,, by U.S. Department of Energy, Oak Ridge National Laboratory.(Grady, Mark) (Entered: 06/25/2009)
07/02/2009	<u>13</u>	MOTION to Dismiss by UT-Battelle. (Attachments: # <u>1</u> Text of Proposed Order) (Martinescu, Julia) (Entered: 07/02/2009)
07/02/2009	<u>14</u>	MEMORANDUM in Support re <u>13</u> MOTION to Dismiss filed by UT-Battelle. (Attachments: # <u>1</u> Exhibit)(Martinescu, Julia) (Entered: 07/02/2009)
07/09/2009	<u>15</u>	Opposition re <u>13</u> MOTION to Dismiss filed by Eugenie Samuel Reich. (Johnson, Jay) (Entered: 07/10/2009)
07/22/2009	<u>16</u>	MOTION for Leave to File <i>Reply Memorandum in Further Support of Defendant UT-Battelle's Motion to Dismiss</i> by UT-Battelle. (Attachments: # <u>1</u> Exhibit) (Martinescu, Julia) (Entered: 07/22/2009)
07/29/2009	<u>17</u>	Opposition re <u>16</u> MOTION for Leave to File <i>Reply Memorandum in Further Support of Defendant UT-Battelle's Motion to Dismiss</i> filed by Eugenie Samuel Reich. (Duong, Diep) (Entered: 07/29/2009)

08/31/2009	<u>1</u> <u>8</u>	ANSWER to <u>1</u> Complaint,, by U.S. Department of Energy, Oak Ridge National Laboratory.(Grady, Mark) (Entered: 08/31/2009)
10/02/2009	<u>1</u> <u>9</u>	NOTICE of Appearance by Michael A. Pezza, Jr on behalf of Eugenie Samuel Reich (Pezza, Michael) (Entered: 10/02/2009)
10/02/2009	<u>2</u> <u>0</u>	MOTION for Leave to Appear Pro Hac Vice for admission of David B. Smallman Filing fee \$ 50, receipt number 01010000000002608792. by Eugenie Samuel Reich. (Pezza, Michael) (Entered: 10/02/2009)
10/02/2009	<u>2</u> <u>1</u>	Certificate of Good Standing re <u>20</u> MOTION for Leave to Appear Pro Hac Vice for admission of David B. Smallman Filing fee \$ 50, receipt number 01010000000002608792. by Eugenie Samuel Reich. (Pezza, Michael) (Entered: 10/02/2009)
10/07/2009	<u>2</u> <u>2</u>	NOTICE of Scheduling Conference Scheduling Conference set for 11/13/2009 03:30 PM in Courtroom 4 before Judge Nathaniel M. Gorton. (Nicewicz, Craig) (Entered: 10/07/2009)
10/07/2009		Judge Nathaniel M. Gorton: Electronic ORDER entered granting <u>20</u> Motion for Leave to Appear Pro Hac Vice; Added David B. Smallman for Eugenie Samuel Reich. Attorneys admitted Pro Hac Vice must register for electronic filing. To register go to the Court website at www.mad.uscourts.gov. Select Case Information, then Electronic Filing (CM/ECF) and go to the CM/ECF Registration Form. (Duong, Diep) (Entered: 10/07/2009)
10/23/2009		ELECTRONIC NOTICE OF RESCHEDULING Scheduling Conference set for 1/27/2010 02:30 PM in Courtroom 4 before Judge Nathaniel M. Gorton. (Nicewicz, Craig) (Entered: 10/23/2009)
11/19/2009	<u>2</u> <u>3</u>	NOTICE of Voluntary Dismissal by Eugenie Samuel Reich (Pezza, Michael) (Entered: 11/19/2009)
11/24/2009		Judge Nathaniel M. Gorton: Electronic ORDER entered granting <u>12</u> Motion for Extension of Time to Answer; finding as moot <u>13</u> Motion to Dismiss (in light of docket no. <u>23</u>) ; finding as moot <u>16</u> Motion for Leave to File; (Duong, Diep) (Entered: 11/24/2009)
01/13/2010		ELECTRONIC NOTICE OF RESCHEDULING Scheduling Conference set for 3/24/2010 02:30 PM in Courtroom 4 before Judge Nathaniel M. Gorton. (Nicewicz, Craig) (Entered: 01/13/2010)
03/17/2010	<u>2</u> <u>4</u>	Assented to MOTION for Extension of Time to March 19, 2010 to File <i>Joint Proposed Schedule</i> by U.S. Department of Energy.(Grady, Mark) (Entered: 03/17/2010)

03/19/2010	<u>2</u> <u>5</u>	CERTIFICATION pursuant to Local Rule 16.1 by U.S. Department of Energy. (Grady, Mark) (Entered: 03/19/2010)
03/19/2010	<u>2</u> <u>6</u>	JOINT STATEMENT re scheduling conference. (Pezza, Michael) (Entered: 03/19/2010)
03/19/2010	<u>2</u> <u>7</u>	CERTIFICATION pursuant to Local Rule 16.1 by Eugenie Samuel Reich.(Pezza, Michael) (Entered: 03/19/2010)
03/22/2010		Judge Nathaniel M. Gorton: Electronic ORDER entered granting <u>24</u> Motion for Extension of Time to File (Nicewicz, Craig) (Entered: 03/22/2010)
03/24/2010		ELECTRONIC Clerk's Notes for proceedings held before Judge Nathaniel M. Gorton: Scheduling Conference held on 3/24/2010. Scheduling Order- Defendant will inform Plaintiff of available material by 3/31/10. Amendments or supplements by 4/7/10, amended answer by 4/21/10. Defendants motion for summary judgment and supporting memorandum by 5/24/10 (submit subject report to court for en camera review). Plaintiff response to and or rule 56 motion by 7/24/10. Court will take matter under advisement and issue decision by 9/24/10. If discovery is warranted, produced by 11/24/10 and further submission by plaintiff will be due 12/8/10 and response by defendant by 1/15/11. (Court Reporter: First.)(Attorneys present: Smallman, Pezza, Grady) (Nicewicz, Craig) (Entered: 03/30/2010)
03/31/2010	<u>2</u> <u>8</u>	STATUS REPORT by Oak Ridge National Laboratory, U.S. Department of Energy. (Grady, Mark) (Entered: 03/31/2010)
03/31/2010		Set/Reset Deadlines: Amendments or supplements due by 4/7/2010. Discovery to be completed by 11/24/2010. Motions due by 5/24/2010. (Duong, Diep) (Entered: 03/31/2010)
04/07/2010	<u>2</u> <u>9</u>	AMENDED COMPLAINT against Oak Ridge National Laboratory, U.S. Department of Energy, filed by Eugenie Samuel Reich. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Exhibit I, # <u>10</u> Exhibit J, # <u>11</u> Exhibit K)(Pezza, Michael) (Entered: 04/07/2010)
04/07/2010	<u>3</u> <u>0</u>	EXHIBITS to <u>29</u> Amended Complaint. Ex. J part 2 against Oak Ridge National Laboratory, U.S. Department of Energy, filed by Eugenie Samuel Reich. (Attachments: # <u>1</u> Exhibit J part 3, # <u>2</u> Exhibit J part 4)(Pezza, Michael) Modified on 4/12/2010 to correct event (Duong, Diep). (Entered: 04/07/2010)
04/21/2010	<u>3</u> <u>1</u>	ANSWER to <u>29</u> Amended Complaint, by Oak Ridge National Laboratory, U.S. Department of Energy.(Grady, Mark) (Entered: 04/21/2010)

05/18/2010	<u>3</u> <u>2</u>	Assented to MOTION for Extension of Time to June 7, 2010 to File <i>The Defendants' Motion For Summary Judgment And For A Similar Fourteen Day Extension Of Time, To August 9, 2010, For The Plaintiff To File Her Response</i> by Oak Ridge National Laboratory, U.S. Department of Energy.(Grady, Mark) (Entered: 05/18/2010)
05/20/2010		Judge Nathaniel M. Gorton: ELECTRONIC ORDER entered granting <u>32</u> Motion for Extension of Time to File (Nicewicz, Craig) (Entered: 05/20/2010)
05/21/2010		Set Deadlines: Summary Judgment Motions due by 6/7/2010. Responses due by 8/9/2010. (Duong, Diep) (Entered: 05/21/2010)
06/03/2010	<u>3</u> <u>3</u>	Assented to MOTION for Extension of Time to June 14, 2010 to File <i>Defendants Summary Judgment Motion And For An Extension Of Time To August 16, 2010, For The Plaintiff To Respond</i> by Oak Ridge National Laboratory, U.S. Department of Energy.(Grady, Mark) (Entered: 06/03/2010)
06/09/2010	<u>3</u> <u>4</u>	Assented to MOTION for Extension of Time to June 28, 2010 to File <i>Defendants' Summary Judgment Motion And For An Extension To August 30, 2010, For The Plaintiff To File Her Response</i> by Oak Ridge National Laboratory, U.S. Department of Energy.(Grady, Mark) (Entered: 06/09/2010)
06/28/2010	<u>3</u> <u>5</u>	MOTION for Summary Judgment by Oak Ridge National Laboratory, U.S. Department of Energy.(Grady, Mark) (Entered: 06/28/2010)
06/28/2010	<u>3</u> <u>6</u>	Statement of Material Facts L.R. 56.1 re <u>35</u> MOTION for Summary Judgment filed by Oak Ridge National Laboratory, U.S. Department of Energy. (Attachments: # <u>1</u> Affidavit Exhibit 1 - Moore Declaration, # <u>2</u> Affidavit Exhibit 2 - Roberto Declaration, # <u>3</u> Exhibit Exhibit 2A - Roberto Declaration Exhibit 1, # <u>4</u> Affidavit Exhibit 3 - Dehmer Declaration, # <u>5</u> Affidavit Exhibit 4 - Rothrock Declaration, # <u>6</u> Exhibit Exhibit 4A - Rothrock Declaration Exhibit 1, # <u>7</u> Exhibit Exhibit 4B - Rothrock Declaration Exhibit 2, # <u>8</u> Exhibit Exhibit 4C - Rothrock Declaration Exhibit 3, # <u>9</u> Exhibit Exhibit 4D - Rothrock Declaration Exhibit 4, # <u>10</u> Exhibit Exhibit 4E - Rothrock Declaration Exhibit 5, # <u>11</u> Exhibit Exhibit 4F - Rothrock Declaration Exhibit 6, # <u>12</u> Affidavit Exhibit 5 - Kung Declaration)(Grady, Mark) (Entered: 06/28/2010)
06/28/2010	<u>3</u> <u>7</u>	AFFIDAVIT in Support re <u>35</u> MOTION for Summary Judgment filed by Oak Ridge National Laboratory, U.S. Department of Energy. (Attachments: # <u>1</u> Affidavit Exhibit 8 - Lincoln Declaration, # <u>2</u> Affidavit Exhibit 9 - Angulo Declaration)(Grady, Mark) (Entered: 06/28/2010)
06/28/2010	<u>3</u> <u>8</u>	MEMORANDUM in Support re <u>35</u> MOTION for Summary Judgment filed by Oak Ridge National Laboratory, U.S. Department of Energy. (Grady, Mark) (Entered: 06/28/2010)

06/28/2010	<u>3</u> <u>9</u>	AFFIDAVIT in Support re <u>35</u> MOTION for Summary Judgment of <i>Helen Kerch (Exhibit 6)</i> filed by Oak Ridge National Laboratory, U.S. Department of Energy. (Grady, Mark) (Entered: 06/28/2010)
07/14/2010		Judge Nathaniel M. Gorton: ELECTRONIC ORDER entered finding as moot <u>33</u> Motion for Extension of Time to File; granting <u>34</u> Motion for Extension of Time to File (Nicewicz, Craig) (Entered: 07/14/2010)
08/20/2010	<u>4</u> <u>1</u>	First MOTION for Extension of Time to September 30, 2010 to file opposition to defendants' motion for summary judgment by Eugenie Samuel Reich.(Pezza, Michael) (Entered: 08/20/2010)
09/01/2010		Judge Nathaniel M. Gorton: ELECTRONIC ORDER entered granting <u>41</u> Motion for Extension of Time (Nicewicz, Craig) (Entered: 09/01/2010)
09/01/2010		Set/Reset Deadlines as to <u>35</u> MOTION for Summary Judgment. Responses due by 9/30/2010 (Abaid, Kimberly) (Entered: 09/03/2010)
09/21/2010	<u>4</u> <u>2</u>	Second MOTION for Extension of Time to November 15, 2010 to file opposition to defendants' motion for summary judgment by Eugenie Samuel Reich.(Pezza, Michael) (Entered: 09/21/2010)
09/22/2010		Judge Nathaniel M. Gorton: ELECTRONIC ORDER entered granting <u>42</u> Motion for Extension of Time (Nicewicz, Craig) (Entered: 09/22/2010)
09/23/2010		Set/Reset Deadlines as to <u>35</u> MOTION for Summary Judgment. Responses due by 11/15/2010 (Hourihan, Lisa) (Entered: 09/23/2010)
11/02/2010	<u>4</u> <u>3</u>	Third MOTION for Extension of Time to December 15, 2010 to file opposition to defendants' motion for summary judgment by Eugenie Samuel Reich.(Pezza, Michael) (Entered: 11/02/2010)
11/02/2010		Judge Nathaniel M. Gorton: ELECTRONIC ORDER entered granting <u>43</u> Motion for Extension of Time (Nicewicz, Craig) (Entered: 11/02/2010)
11/03/2010		Set Deadlines as to <u>35</u> MOTION for Summary Judgment. Opposition due by 12/15/2010 (Duong, Diep) (Entered: 11/03/2010)
12/15/2010	<u>4</u> <u>4</u>	MOTION for Discovery <i>Under Rule 56(f)</i> by Eugenie Samuel Reich.(Pezza, Michael) (Entered: 12/15/2010)
12/15/2010	<u>4</u> <u>5</u>	MEMORANDUM in Support re <u>44</u> MOTION for Discovery <i>Under Rule 56(f)</i> filed by Eugenie Samuel Reich. (Pezza, Michael) (Entered: 12/15/2010)

12/22/2010	<u>46</u>	Assented to MOTION for Extension of Time to January 28, 2011 to File Response/Reply as to <u>44</u> MOTION for Discovery <i>Under Rule 56(f)</i> by Oak Ridge National Laboratory, U.S. Department of Energy.(Grady, Mark) (Entered: 12/22/2010)
12/29/2010		Judge Nathaniel M. Gorton: ELECTRONIC ORDER entered granting <u>46</u> Motion for Extension of Time to File Response/Reply re <u>44</u> MOTION for Discovery <i>Under Rule 56(f)</i> Responses due by 1/28/2011 (Nicewicz, Craig) (Entered: 12/29/2010)
01/19/2011	<u>47</u>	Assented to MOTION for Extension of Time to February 16, 2011 to File Response/Reply as to <u>45</u> Memorandum in Support of Motion, <u>44</u> MOTION for Discovery <i>Under Rule 56(f)</i> by U.S. Department of Energy.(Grady, Mark) (Main Document 47 replaced on 1/21/2011) (Duong, Diep). (Entered: 01/19/2011)
01/21/2011	<u>48</u>	Judge Nathaniel M. Gorton: ENDORSED ORDER entered granting <u>47</u> Motion for Extension of Time to File Response/Reply re <u>44</u> MOTION for Discovery <i>Under Rule 56(f)</i> Responses due by 2/16/2011. (Duong, Diep) (Entered: 01/21/2011)
02/14/2011	<u>49</u>	NOTICE of Withdrawal of Appearance by Mark J. Grady (Grady, Mark) (Entered: 02/14/2011)
02/14/2011	<u>50</u>	NOTICE of Appearance by Rayford A. Farquhar on behalf of Oak Ridge National Laboratory, U.S. Department of Energy (Farquhar, Rayford) (Entered: 02/14/2011)
02/14/2011	<u>51</u>	Assented to MOTION for Extension of Time to 2/25/11 to File Response/Reply to the Plaintiff's Request for Discovery Pursuant to Fed. R. Civ. P. 56(f) by U.S. Department of Energy.(Farquhar, Rayford) (Entered: 02/14/2011)
02/22/2011		Judge Nathaniel M. Gorton: ELECTRONIC ORDER entered granting <u>51</u> Motion for Extension of Time to File Response/Reply re <u>44</u> MOTION for Discovery <i>Under Rule 56(f)</i> Responses due by 2/25/2011 (Patch, Christine) (Entered: 02/22/2011)
02/25/2011	<u>52</u>	Opposition re <u>44</u> MOTION for Discovery <i>Under Rule 56(f)</i> filed by Oak Ridge National Laboratory, U.S. Department of Energy. (Farquhar, Rayford) (Entered: 02/25/2011)
03/17/2011	<u>53</u>	Judge Nathaniel M. Gorton: ORDER entered. MEMORANDUM AND ORDER "In accordance with the foregoing, 1) defendants' motion for summary judgment (Docket No. <u>35</u>) is ALLOWED; and 2) plaintiff's motion for discovery pursuant to Fed. R. Civ. P. 56(f) (Docket No. <u>44</u>) is DENIED." (Duong, Diep) (Entered: 03/17/2011)
03/18/2011	<u>55</u>	Letter from Michael Pezza and David Smallman to Christine Patch re: <u>53</u> Memorandum and Order. (Patch, Christine) (Entered: 04/26/2011)

04/06/2011	<u>5</u> <u>4</u>	Judge Nathaniel M. Gorton: ORDER entered. ORDER DISMISSING CASE (Duong, Diep) (Entered: 04/06/2011)
04/06/2011		Civil Case Terminated. (Duong, Diep) (Entered: 04/06/2011)
04/26/2011		Judge Nathaniel M. Gorton: ELECTRONIC ORDER entered re <u>53</u> Memorandum & ORDER. If Plaintiff wishes the Court to reconsider it's Memorandum and Order of 3/17/11, they are to file a Motion for Reconsideration by 5/13/2011. Defendants will have two weeks, up to and including 5/27/2011, to file any responses. The matter will be taken into consideration by the Court at that time.(Patch, Christine) (Entered: 04/26/2011)
05/13/2011	<u>5</u> <u>6</u>	MOTION for Reconsideration of <i>MArch 17 Memorandum & Order and April 6 Order of Dismissal</i> by Eugenie Samuel Reich.(Pezza, Michael) (Main Document 56 replaced on 5/17/2011 to correct typographical/format errors) (Duong, Diep). (Entered: 05/13/2011)
05/13/2011	<u>5</u> <u>7</u>	MEMORANDUM in Support re <u>56</u> MOTION for Reconsideration of <i>MArch 17 Memorandum & Order and April 6 Order of Dismissal</i> filed by Eugenie Samuel Reich. (Pezza, Michael) (Main Document 57 replaced on 5/17/2011 to correct typographical/format errors) (Duong, Diep). (Entered: 05/13/2011)
05/13/2011	<u>5</u> <u>8</u>	AFFIDAVIT in Support <i>Motion for Reconsideration</i> . (Pezza, Michael) (Entered: 05/13/2011)
05/13/2011	<u>5</u> <u>9</u>	AFFIDAVIT in Support <i>Motion for Reconsideration</i> . (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C)(Pezza, Michael) (Main Document 59 replaced on 5/17/2011 to correct typographical/format errors) (Duong, Diep). (Entered: 05/13/2011)
05/13/2011	<u>6</u> <u>0</u>	CERTIFICATE OF SERVICE pursuant to LR 5.2 by Eugenie Samuel Reich re <u>59</u> Affidavit in Support. (Pezza, Michael) (Entered: 05/13/2011)
05/19/2011	<u>6</u> <u>1</u>	NOTICE of Appearance by Mark J. Grady on behalf of Oak Ridge National Laboratory, U.S. Department of Energy (Grady, Mark) (Entered: 05/19/2011)
05/23/2011	<u>6</u> <u>2</u>	Assented to MOTION for Extension of Time to July 5, 2011 to File Notice of Appeal of April 6, 2011, Order by Eugenie Samuel Reich.(Pezza, Michael) (Entered: 05/23/2011)
05/23/2011	<u>6</u> <u>3</u>	MEMORANDUM in Support re <u>62</u> Assented to MOTION for Extension of Time to July 5, 2011 to File Notice of Appeal of April 6, 2011, Order filed by Eugenie Samuel Reich. (Pezza, Michael) (Entered: 05/23/2011)

05/24/2011		Judge Nathaniel M. Gorton: ELECTRONIC ORDER entered granting <u>62</u> Motion for Extension of Time to File Notice of Appeal. (Patch, Christine) (Entered: 05/24/2011)
05/27/2011	<u>64</u>	Opposition re <u>56</u> MOTION for Reconsideration of <i>MArch 17 Memorandum & Order and April 6 Order of Dismissal</i> filed by Oak Ridge National Laboratory, U.S. Department of Energy. (Grady, Mark) (Entered: 05/27/2011)
06/01/2011	<u>65</u>	MOTION for Leave to File <i>Reply To Defendants' Opposition To Plaintiff's Motion for Reconsideration</i> by Eugenie Samuel Reich. (Attachments: # <u>1</u> Reply To Defendants' Opposition To Motion for Reconsideration)(Pezza, Michael) (Entered: 06/01/2011)
06/13/2011	<u>66</u>	Opposition re <u>65</u> MOTION for Leave to File <i>Reply To Defendants' Opposition To Plaintiff's Motion for Reconsideration</i> filed by Oak Ridge National Laboratory, U.S. Department of Energy. (Grady, Mark) (Entered: 06/13/2011)
07/05/2011	<u>67</u>	NOTICE OF APPEAL as to <u>54</u> Order Dismissing Case by Eugenie Samuel Reich Filing fee: \$ 455, receipt number 0101-3483391 Fee Status: Not Exempt. NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov MUST be completed and submitted to the Court of Appeals. Counsel shall register for a First Circuit CM/ECF Appellate Filer Account at http://pacer.psc.uscourts.gov/cmecf. Counsel shall also review the First Circuit requirements for electronic filing by visiting the CM/ECF Information section at http://www.ca1.uscourts.gov/efiling.htm. US District Court Clerk to deliver official record to Court of Appeals by 7/25/2011. (Pezza, Michael) (Entered: 07/05/2011)
07/05/2011	<u>68</u>	Certified and Transmitted Abbreviated Electronic Record on Appeal to US Court of Appeals re <u>67</u> Notice of Appeal, (Ramos, Jeanette) (Entered: 07/05/2011)
07/05/2011		USCA Case Number 11-1781 for <u>67</u> Notice of Appeal, filed by Eugenie Samuel Reich. (Ramos, Jeanette) (Entered: 07/05/2011)
07/05/2011	<u>69</u>	<i>July 5, 2011, Letter/request (non-motion) from Michael A. Pezza Jr. regarding filing of notice of appeal in light of no notice of decision on motion for reconsideration before expiration of appeal period..</i> (Pezza, Michael) (Entered: 07/05/2011)
07/08/2011	<u>70</u>	Judge Nathaniel M. Gorton: ORDER entered. "...Plaintiff's motion for reconsideration (Docket No. <u>56</u>) is, therefore, ALLOWED but only with respect to its ruling on the summary judgment motion (Docket No. <u>35</u>). The Court's denial of plaintiff's motion for discovery pursuant to Fed. R. Civ. P. 56(f) (Docket No. <u>44</u>) is reaffirmed. Plaintiffs memorandum in opposition to defendants motion for summary judgment will be filed on or before Friday, July 22, 2011. Defendants reply, if any, not to exceed ten pages, will be filed on or before August 5, 2011..." (Duong, Diep) (Entered: 07/08/2011)

07/08/2011		Judge Nathaniel M. Gorton: ELECTRONIC ORDER entered granting <u>65</u> Motion for Leave to File Document (Duong, Diep) (Entered: 07/08/2011)
07/08/2011		Set/Reset Deadlines as to Opposition to motion for summary judgment due by 7/22/2011 and Reply due by 8/5/2011. (Duong, Diep) (Entered: 07/08/2011)
07/08/2011	<u>7</u> <u>1</u>	REPLY to Response to <u>56</u> MOTION for Reconsideration of <i>March 17 Memorandum & Order and April 6 Order of Dismissal filed with leave of Court granted July 8, 2011</i> , filed by Eugenie Samuel Reich. (Pezza, Michael) (Entered: 07/08/2011)
07/12/2011		Judge Nathaniel M. Gorton: ELECTRONIC ORDER entered. Order Vacating <u>54</u> Order of Dismissal in light of Order <u>70</u> (Duong, Diep) (Entered: 07/12/2011)
07/12/2011		Case Reopened per <u>70</u> (Duong, Diep) (Entered: 07/12/2011)
07/12/2011		Reopen Document <u>35</u> MOTION for Summary Judgment per <u>70</u> (Duong, Diep) (Entered: 07/12/2011)
07/15/2011	<u>7</u> <u>2</u>	USCA Judgment as to <u>67</u> Notice of Appeal, filed by Eugenie Samuel Reich. Upon consideration of the assented-to motion for voluntary dismissal filed by plaintiff-appellant Eugenie Samuel Reich, it is hereby ordered that this appeal be voluntarily dismissed pursuant to Fed. R. App. P. 42(b) with each party to bear its own costs. Mandate to issued forthwith. Judgment issued in the USCA 7/14/2011 (Ramos, Jeanette) (Entered: 07/15/2011)
07/15/2011	<u>7</u> <u>3</u>	MANDATE of USCA as to <u>67</u> Notice of Appeal, filed by Eugenie Samuel Reich. Appeal <u>67</u> Terminated. Mandate issued in the USCA 7/14/2011 (Ramos, Jeanette) (Entered: 07/15/2011)
07/22/2011	<u>7</u> <u>4</u>	Opposition re <u>35</u> MOTION for Summary Judgment filed by Eugenie Samuel Reich. (Pezza, Michael) (Main Document 74 replaced on 7/25/2011) (Duong, Diep). (Entered: 07/22/2011)
07/22/2011	<u>7</u> <u>5</u>	Statement of Material Facts L.R. 56.1 re <u>35</u> MOTION for Summary Judgment filed by Eugenie Samuel Reich. (Pezza, Michael) (Entered: 07/22/2011)
07/22/2011	<u>7</u> <u>6</u>	AFFIDAVIT in Opposition to <i>Defendants' Motion for Summary Judgment(Second Reich Declaration)</i> . (Attachments: # <u>1</u> Exhibit Ex. 1, # <u>2</u> Exhibit Ex. 2, # <u>3</u> Exhibit Ex. 3, # <u>4</u> Exhibit Ex. 4)(Pezza, Michael) (Entered: 07/22/2011)
08/05/2011	<u>7</u> <u>7</u>	REPLY to Response to <u>35</u> MOTION for Summary Judgment filed by Oak Ridge National Laboratory, U.S. Department of Energy. (Grady, Mark) (Entered: 08/05/2011)

08/05/2011	<u>7</u> <u>8</u>	MOTION to Strike <i>Portions of the Second Reich Affidavit and Statement of Facts</i> by Oak Ridge National Laboratory, U.S. Department of Energy.(Grady, Mark) (Entered: 08/05/2011)
08/05/2011	<u>7</u> <u>9</u>	MEMORANDUM in Support re <u>78</u> MOTION to Strike <i>Portions of the Second Reich Affidavit and Statement of Facts</i> filed by Oak Ridge National Laboratory, U.S. Department of Energy. (Attachments: # <u>1</u> Exhibit 1 - Local Rule 7.1 Communications, # <u>2</u> Exhibit 2 - Highlighted Copy of Second Reich Declaration) (Grady, Mark) (Entered: 08/05/2011)
08/19/2011	<u>8</u> <u>0</u>	Opposition re <u>78</u> MOTION to Strike <i>Portions of the Second Reich Affidavit and Statement of Facts (Oral Argument Requested)</i> filed by Eugenie Samuel Reich. (Pezza, Michael) (Entered: 08/19/2011)
08/19/2011	<u>8</u> <u>1</u>	Judge Nathaniel M. Gorton: ORDER entered. MEMORANDUM AND ORDER "In accordance with the foregoing, defendants' motion for summary judgment (Docket No. <u>35</u>) is ALLOWED and defendants' motion to strike (Docket No. <u>78</u>) is DENIED." (Duong, Diep) (Entered: 08/22/2011)
08/19/2011	<u>8</u> <u>2</u>	Judge Nathaniel M. Gorton: ORDER entered. JUDGMENT for the Defendants (Duong, Diep) (Entered: 08/22/2011)
08/22/2011		Civil Case Terminated. (Duong, Diep) (Entered: 08/22/2011)

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